

TRACY & EDWARDS

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DONALD S. TRACY
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June 6, 2008

Via Fax : 845-357-7321
And First Class Mail

Michael Burke
Burke, Miele & Golden LLP
100 Washington Ave, PO Box 397
Suffern, NY 10901

Re: People v. James Curley / Village of Airmont

Dear Michael:

This letter will confirm that, last evening, June 5, 2008, in the Village of Airmont Justice Court, the charges of Harassment in the 2nd Degree in violation of Penal Law § 240.26 (1) and Criminal Contempt 2nd Degree, in violation of Penal Law § 215.50 (3), both alleged to have occurred on August 24, 2006, and filed on the verification of Linda Curley, as well as the charge of Criminal Contempt in the 2nd Degree, in violation of Penal Law § 215.50 (3), also based on the verification of Linda Curley, and alleged to have occurred on November 10, 2006, were dismissed by the Court on motion of the Defendant, based on the representation by the prosecutor that he would not be prepared to proceed to trial today, the date the court had set for the trial of all charges.

The prosecution, represented by First Assistant District Attorney James H. Mellon, informed the court that Mr. Curley was in Federal custody, and that, following consultation with the United States Attorney, concluded that the state would not produce Mr. Curley for trial on the state charges, wishing to defer that prosecution in favor of the pending Federal prosecution. In colloquy between Mr. Mellon, myself, and Judge Benedict, it was made clear that the referenced charges would be dismissed, with prejudice, and that the prosecution would not seek to reinstate the dismissed charges in the future. In return for that agreement, I, on behalf of Mr. Curley, agreed to adjourn the open charge of Bail Jumping in the Third Degree in violation of Penal Law § 215.55, alleged to have occurred on December 4, 2006, until after the disposition of the Federal indictment. The next appearance on that open charge was then set, on consent, for September 18, 2008 for control purposes, with the understanding that Mr. Mellon and/or myself would keep the court apprised of the status of the Federal Prosecution.

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If you require a written order, or written Certificate of Disposition, I will be happy to present one to Judge Benedict for his endorsement.

Please give me a call if you have any questions, or require anything further.

With respect to the charge of Aggravated Harassment in the Second Degree, pending in the Village of Suffern Justice Court, filed on the verification of Mary Curley -- charging conduct alleged to have occurred on November 3, 2007 -- continues to pend in that venue. We will continue to press that matter toward trial at the earliest possible time.

Very truly yours,

TRACY & EDWARDS



John S. Edwards

cc: James Curley C/O Michael Curley

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